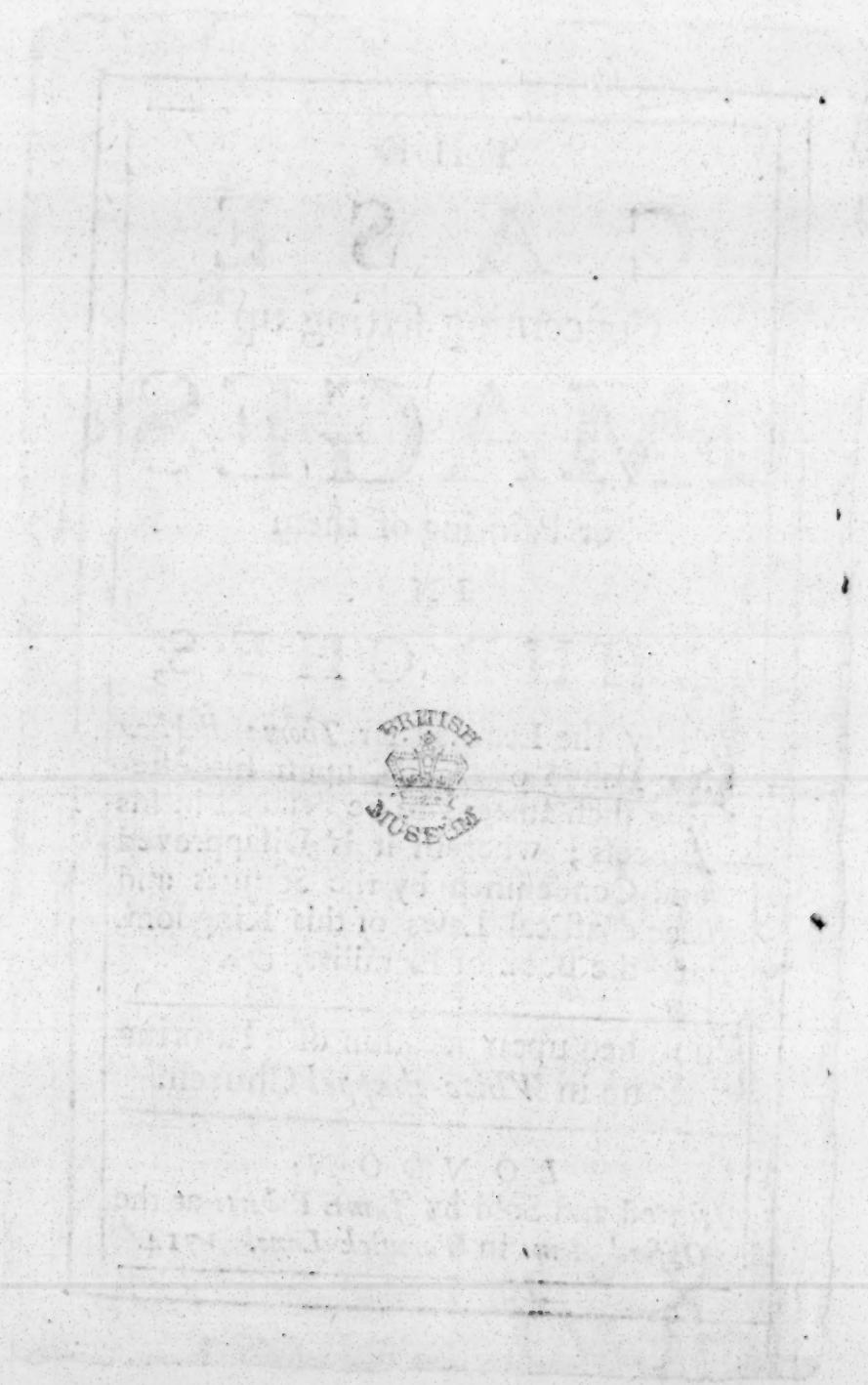


THE
C A S E
Concerning setting up
IMAGES
or Painting of them
IN
CHURCHES,

Writ by the Learned Dr. *Thomas Barlow*
late Bishop of *Lincoln*, upon his suffer-
ing such Images to be defaced in his
Diocess; wherein it is Disapproved
and Condemned by the Statutes and
Ecclesiastical Laws of this Kingdom,
and the Book of Homilies, &c.

Published upon occasion of a Painting
set up in *White-chappel Church*.

L O N D O N:
Printed and Sold by *James Roberts* at the
Oxford Arms in *Warwick-Lane*. 1714.



A Breviate of the Case concerning Setting up Images in the Parish Church of Moulton, in the Diocese and County of Lincoln, Anno 168³₄.

UPON pretence of adorning and beautifying the Church, some of the Parishioners did,

1. Wash out all the Sentences of Scripture formerly writ upon the Walls in that Church.

2. Then (without the Approbation and Advice, or the general Consent
A 2 of

2 *The Case of setting up*

of the Parish) they set up the Images of Five or Six of *the Apostles*; which giving great Offence, (*for Thirty Seven of the * Parishioners did under their Hands protest against it*) they procured an Order from the Deputy-Chancellor of *Lincoln*, to approve and confirm what they had done, and authorize them to set up (as they were pleased to call them) *more Effigies*.

3. By this Order and Authority they set up the Images of *Thirteen Apostles*, St. Paul being one: The Image of *Peter* they placed above the *Ten Commandments*; and that of *Paul*, above the *King's Arms*; and the *Holy Ghost* in the Form of a *Dove*, over them; and (in contempt of the *Translation* of the Bible, approved and received in the *Church of England*, and in compliance with the *erroneous*

** I have the original Protestation, signed by Thirty Seven of the Parishioners Hands,*

and

Images in Churches. 3
*and ridiculous Vulgar * Latin) they picture Moses with Horns.*

4. Then (when they had done all this) they did (*ex post facto*) Petition the Bishop for his Approbation of what they had done, who denied their Petition, and for Reasons given them (some of which here follow) told them, that he *never would, nor (de jure) could approve what they (without and against Law) had done.*

5. Lastly, The Chancellor *nulls the Order of his Deputy, as to the setting up of those Images:* and those who had done that Work (without the Consent of the Parish) appeal to the Arches, where now that Appeal depends.

* Exod. 24. 30, 35. *In the vulgar Latin it is, Facies Moïsis erat Cornuta: Whereas their own most Learned Translators (Arias Montanus and Pagnine) are ashamed of it; and (as our English Version truly has it) render it, Resplendebat, aut Promicabat Facies Moïsis.*

This

4 *The Case of setting up*

This is the Summ of what the *Painter and Parishioners* have done, (in setting up so many and *such Images*, as (I believe) no Church in *England* has seen since our Reformation, and (I hope) never will permit) and what the *Deputy-Chancellor* (as he and they think) *confirmed*. But what they have done is *Unwarrantable* and *absolutely Illegal*, contrary to our *known Laws*, against the *Authority and Doctrine of the Church of England*, declared and *Established* both by our *Ecclesiastical and Civil Laws*, and (to omit others) in these Particulars.

1. It is confessed, that to *beautify Churches* (which they pretended) is a *Pious and worthy Work*. But in doing this, the *Way they took was Unwarrantable* and *Illegal*; for our *Supreme Power Ecclesiastical* (the King in * Convocation) requires, That our *Churches should be decently beautified*,

* Vide Canones i Jacobi, Can. 85,

Images in Churches. 5

not according to the *Humour of an ignorant Painter and some few Parishioners*, but according to an * *Homily* published for that purpose; in which *Homily* (compared with the second Part of the † *Homily for the right Use of Churches*) it appears, that Images are so far from beautifying, that, if they be set up, they *defile and pollute our Churches*.

2. Their *razing out the Sentences of Scripture*, formerly writ upon the Walls, was *absolutely Illegal*, and by no Law Warrantable: For those Sentences were placed there (as appears by the || Canon) by the *Supreme Power* of the King in Convocation; and therefore for the *Painter and Parishioners* to take away that, which

* *The Homily for comely Adorning of Churches, in the second Book of Homilies, p. 77. Edit. London. (by the King's Authority) 1633. which Edition I shall always cite.*

† *In the second Book of Homilies, pag. 7. compared with p. 80. of the same Book.*

|| *See the Canon i Jacobi, Can. 82.*

the

6 *The Case of setting up*
the *Supreme Power* had by *express*
Canon placed there, must of necessity
be Unwarrantable and absolutely Il-
legal.

Nor could the Deputy-Chancellor's
Order (got *ex post facto*) confirm
what they had illegally done: For it
is both *Reason and Law*, that a Nul-
lity is not capable of Confirmation, be-
cause Confirmation always presuppo-
seth some *antecedent Right* * in the
thing to be confirmed: It does not
give a † *Right*, but does only streng-
then an *antecedent infirm Right*. Now
it is certain that the *Parishioners* had
no *Right* to raze out those Texts of
Scripture, which the *Supreme Autho-
rity* had placed there, and therefore
no Order (got *ex post facto*) could
confirm what they had *Illegally done*.

* Confirmatio est Juris prius habiti Corroboratio.
Cap. inter Dilectos, extra. de Fide Instrument.

† Qui confirmat aliquid, is non censetur dare. *Paul-
lus Leg. Si donata, & si Sponsus, §. de Donat. Inter
Virum & Uxorem, & Leg. & quia. §. de Jurisdic.*

Images in Churches. 7

3. Nor could the Deputy-Chancellor's Order (if they had procured it before they went to raze out those Texts of Scripture formerly writ upon the Walls) have given them any just Power to raze out those Texts; it being * impossible that any *inferior Judge or Court* should null the Sentence of the Supreme.

I know that Pope Gregory the First (one of the first Introducers of Popish Superstition about Images) tells us, that *Images are Laymen's Books*, and that *Pictures are as † profitable to Idiots who cannot, as the Scriptures are to those who can read them*. An Assertion evidently erroneous and impious. And yet the Trent-Conventicle, to the same purpose, saith, That *Images instruct and confirm the People*

* Quæ contra Jus fiunt, debent pro infectis haberi. *De Reg. Juris. in 6. Reg. 64.*

† Quod legentibus Scriptura, hoc Idiotis præstat Pictura illam cernentibus, &c. *Gregorius Magnus Epist. ad Sennum, Tom. 4. pag. 349. Vide eundem, Tom. 4. Epist. 54. ad Secundinum, p. 271.*

8 *The Case of setting up*
*in the Articles of Faith * to their*
great Benefit. But God Almighty by
his Prophet tells us, That *Images are*
** Teachers of Lies.* This King *James*
of happy Memory, and his pious and
learned Convocation well knowing, and
that the Church of *England* had con-
demned *the setting up of Images in*
our Churches, (as shall anon appear)
they Decree and Command, that in-
stead of Popish Images, which were
Teachers of Lies, the *Ten Command-*
ments, and *choice † Sentences of Scri-*
pture, should be writ upon the Walls
of our Churches, whence (without fear
of Error) *the People might learn Di-*
vine and Infallible Truths. And here
the Saying of an antient and excellent
Person is worthy of our Memory and
Consideration; 'tis this, *They deserve*

* Doceant Episcopi Picturis erudiri & confirmari
Populum in Articulis Fidei commemorandis, & ex
omnibus sacris Imaginibus magnum fructum percipi.
Concil. Trident. Sess. 25. in Decreto de Invocatione
Sanctorum & sacris Imaginibus.

† Habak. 2. 18, 19. Rom. 1. 23, 25.

‡ Canones 1 Jacobi, Can. 82.

to

Images in Churches. 9

*to err, who (as the Papists do) seek
* Christ and his Apostles, not in the
Sacred Scriptures, but in Images and
Pictures.*

I know that the *Painter and those
few Parishioners, who were for taking
away those Sentences of Scripture, an-
ciently writ upon the Walls, have in-
stead of them, writ some other Sen-
tences of Scripture in several Places
where none were before. But this does
not excuse, but rather aggravate their
Crime. For,*

1. This was not done till some time
after they had finished their Work,
wash'd out the Texts of Scripture an-
ciently writ upon the Walls, and set
up all their Images: When finding
what they had done *displeased* many,
(particularly their Bishop) and that

* Errare meruerunt, qui Christum & Apostolos,
non in sanctis Codicibus, sed pictis in Parietibus
quæsierunt. *August. de Consensu Evangelist. cap. 10.*
Tom. 4. pag. 377. Edit. Basil. 1569.

10 *The Case of setting up*

their Proceedings were *censured as Illegal*, and by no Law Warrantable; then, and not till then, they caused some other Texts of Scripture to be writ upon the Walls.

2. And this they did without any *Advice or Direction of their Minister*, or any who had the *Cure of their Souls*: Whereas the Canon required, that * *chosen Sentences* of Scripture should be writ upon the Walls. And we may be sure that the pious and learned King and Convocation, who made that Canon, did not intend that the *ignorant Painter and poor Parishioners*, but some who had more Understanding, and Cure of *their Souls*, should chuse such Sentences as should be for the People's Edification, most plain and pertinent. But no more of this. For altho' what the *Painter and a few private Persons*, did against the Canon and Constitution of the *Supreme Power*, was Illegal, and by no Law Warrantable, yet the *setting*

* Canones i Jacobi, Can. 82.

Images in Churches.

II

up *Images* in the place of those Sentences of Scripture, which they have crazed, *was much worse*, as being repugnant and directly contrary to the *Doctrine of the Church of England*, which has been and is *approved*, and by our *Supreme Power* at present stands *established* by our good *Laws Ecclesiastical and Civil*. That this may evidently appear, it is to be considered,

1. That the Popish Church in their *Trent-Council*, (which to them is an *Oecumenical and General Council*) does *define and command*, in order to their Superstitious and Idolatrous Worship of them, *That the Images of their Saints be had and * retained more especially in Churches*, where the poor People may see, and have opportunity to worship them.

2. That in the Reformation of our Church, our Supreme Powers who re-

* *Imagines Christi, Deiparæ Virginis, & aliorum Sanctorum, in Templis præsertim habendæ & retinendæ, eisque Veneratio debita impertienda. Concil. Trident. Sess. 25. in Decreto de Invocat. & Venerat. Sanctorum & sacris Imaginibus.*

gularly

12 *The Case of setting up*

gularly begun, and piously and happily finish'd it, expressly condemn'd not only the *worshipping of Images*, but the *having them* in our Churches.

This does evidently appear in our *Authentick Records* (to say nothing of our Learned particular Writers) published by *Supreme Authority* to that purpose. For,

1. By the Injunctions of *Edw. 6.* it is commanded thus, * *They shall take away and utterly destroy all Shrines, &c. and all Pictures, Paintings, and all Monuments of Idolatry and Superstition, that there remain no memory of them in Walls, Windows, or elsewhere, &c.*

2. And about three or four Years after, in the same King's time, it is by Act of † Parliament expressly required, *That all Images graven, carved or painted, which yet stand in any Church, should be defaced and destroyed.* And tho' this Statute (in favour of Popish Superstition and Idolatry) was || repealed by *Q. Mary*,

* See the Injunctions of *Edw. 6.* to all his Subjects, as well Clergy as Laity, Anno 1547. Anno Regni suis. Injunct. 29.

† Vide Statutum Anno 3 & 4 *Edvardi 6.* cap. 16.

|| Statutum 1 *Mariæ*, cap. 2.

yet

yet that Queen's Statute was by good K. James * repealed; and to prevent and discourage Popery, that Statute of *Edw. 6.* was expressly revived, and so remains still obligatory.

3. Q. Elizabeth in her † Injunctions, *Injunct. 23.* renews the Injunction of *Edw. 6.* in the same Words, *That all Images, Paintings and Pictures, should be taken out of all Churches, &c.*

4. And the Homilies published by Q. Elizabeth tell us, that *Images de facto were taken out of Churches*: For the Homily says, || *That the Churches were scoured and swept from the sinful and superstitious Filthiness which defiled them: By which, as appears by the said * Homilies, Images are principally meant.*

5. To the same purpose *Cambden* in

* Statutum 1 Jacobi, cap. 25.

† The Injunctions of Q. Elizabeth to all her Subjects, Clergy and Laity, An. 1559. Regniq; sui 1. Injunct. 23.

|| See the Homily for repairing and adorning of Churches, p. 80. in the Edition of our Homilies, Anno 1633. Part 2. and this Homily is approved and confirmed by the King and Convocation, 1 Jac. An. 1603. Can. 85.

* See the second Part of the Homily for the right use of Churches, p. 7. of the second Book of Homilies, of the aforesaid Edition, 1633.

14 *The Case of setting up*

his Life of Q. Eliz. tells us, *That Images were actually removed out of our Churches, by the * Authority of Parliament.*

6. Once more, the learned and incomparable † B. Jewel, in his Defence of his Apology of the Church of England, doth both say and prove, that *Images ought not to be in any Churches, or Places of God's Publick Worship.*

By the Premisses it may, and I believe does appear, that in the Judgment of the Church of England, *Images are not to be tolerated in our Churches, and Places of God's Publick Worship; and therefore they were removed and defaced by the Supreme Powers Ecclesiastical and Civil, declared and published in Canons of Convocation, and Acts of Parliament.*

Object. But here it is objected by the Enemies of our Church and Reformation, that our Reformers have been so zealous and indiscreetly fierce against Images, that they have *condemn'd the ingenious*

* Cambden's *Elizabeth*, lib. 7. ad An. 1555. p. 17, & 20. of the *English Edition*.

† See B. Jewel's *Defence of the Apology of the Church of England*, in his *Works Printed at London*, An. 1621. pag. 446, 447.

Images in Churches. 15

Art of Painting, and even the civil Use of Images.

Sol. But this is a malicious Calumny, and no real Consequence of our Churches Doctrine about Images, as has been expressly and publicly declared both by our Church and State. For,

1. Our Church has declared her Judgment, that all Images are not absolutely * unlawful, or simply forbidden in the New Testament, but only some, in some Places and Circumstances, when they may (especially to poor ignorant People) be dangerous Occasions of Superstition and Idolatry: and more expressly a little after, the Words are these; We are not so † scrupulous, as to abhor Flowers wrought in Carpets, Hangings, Arras, &c. or Images of Princes on their Coin: nor do we condemn the Art of Painting or Image-making, &c. Whence it is evident, that our Church is neither against the Art of Painting; nor any Civil Use of Images.

2. Our State has (by express Act of

* See the third part of the Homily against the Peril of Idolatry, in the beginning of it, p. 39. of the second Book of Homilies, printed 1633.

† In the same Homily against the Peril of Idolatry, p. 44.

16 *The Case of setting up*

Parliament) declared, even in the time of our Reformation, that they did not *condemn any Civil Use of Images*. For even in that Statute in which they severely condemn, and command the defacing Images in Churches, they have this Proviso,
 “* Provided always, that this Act shall
 “not extend to any Images or Pictures,
 “set or engraven on any Tomb, in any
 “Church, Chappel, or Church-yard, on-
 “ly for a Monument of any King, Prince,
 “Noble-man, or any other dead Person,
 “which hath not commonly been repu-
 “ted for a Saint, but that all such Ima-
 “ges may continue.

Whence it is evident, that our Church at the Reformation, did not condemn any Civil Use of Images, no not in sacred Places, as Church-yards, Chappels or Churches, much less in other Places. And that we may more distinctly know *what Images they condemn’d*, and *why they would not tolerate them in Churches*; It is further to be considered;

1. That the Church of *England absolutely condemns all Images of the Trinity*,

* Vide Statutum An. 3 & 4 Edvardi 6. cap. 10.

Images in Churches. 17

or any * Person in it, (Father, Son, or Holy Ghost) as *absolutely unlawful*, and *expressly condemned in † Scripture*. Such Images are *not to be tolerated neither in nor out of Churches*.

2. No Images of our || Blessed Saviour, of any Saints and Martyrs, (which with stupid Superstition and Idolatry have been, and still are worshipped in the Popish Church) *are, in the Judgment of our Church, to be tolerated in our Temples, or any Place of God's publick Worship*. For if they be, it will be to the great and * *unavoidable danger of Idolatry*. This, I conceive, is the *approved and received Doctrin of the Church of England*: and that it may more plainly and distinctly appear to be so, I shall cite the *Judgment of our Church*, and her *Reasons* for it, in her own express Words: And amongst other things (too many to be transcrib'd) she plainly tells us;

1. *That it is an ungodly thing † to set*

* See the third part of the Homily against the Peril of Idolatry, in the second Book of Homilies, p. 40.

† Deut. 4. 12, 15, 16, 23. IIa. 40. 18. Rom. 1. 23, 25.

|| See the last named Homily, Book 2. p. 42.

* Ibid. pag. 42.

† In the second Book of Homilies, pag. 7.

18 *The Case of setting up*

*up Images or Idols (which in her * Judgment signify the same thing) in our Churches, because it may give a great occasion of worshipping them.*

2. *That Images in Churches, painted on Clothes or Walls, are † unlawful, and contrary to Christian Religion.*

3. *That setting up Images in || Churches, is to the great and unavoidable danger of Idolatry; and that the Law of God is * against it.*

4. *That the setting up the Image of God, of our † Blessed Saviour, or any Saints, is not tolerable in Churches, but against God's Law.*

5. *Wo be to the setters up and maintainers of Images || in Churches.*

6. *It is not possible, if Images be in Churches, to * avoid Idolatry.*

7. *Images of God, our blessed Saviour, and the holiest Saints, are of all others the † most dangerous to be in Churches.*

8. *Images in Churches are a || Snare and*

* Ibidem, pag. 12, 13.

† In the second Book of Homilies, pag. 24.

|| Ibidem, p. 42.

* Ibidem, p. 43.

‡ Ibidem, p. 45, 46.

|| Ibidem, p. 55.

* Ibidem, pag. 56, 58, 60, 61.

‡ Ibidem, p. 61, 75.

|| Ibidem, p. 65.

tempting

Images in Churches. 19

tempting of God, to the great danger and destruction of many.

9. *That Images in Churches, in the Judgment of the Prophet and Apostle, are only * Teachers of Lies.*

10. *God's horrible Wrath cannot be avoided, without † utter abolishing Images in Churches.*

This is evidently the express Doctrine of our Homilies, which absolutely condemns not only *the worshipping*, but *having Images in our Churches*. And it is no less evident, that the Homilies, and the Doctrine contained in them, are both *approved, received and established* by the *Supreme Authority* of our Church and State, *Canons of Convocation*, and *Acts of Parliament*. This will appear,

1. By the Testimony of King *James*, who *commends the diligent reading of our || Articles and Homilies, set forth by the Authority of the Church of England*.

1. By the Convocation of *Q. Elizabeth*,
(the Supreme Ecclesiastical Power)

* Ibidem, pag. 72. Hab. 2. 18. Rom. 1. 23, 25.

† Ibidem, pag. 75.

|| See *K. James his Directions to the Clergy of England*, Anno 1622. They are in *Dr. Heylin's Cyprianus Anglicus*, pag. 93. Direct. 1, 4.

which

20 *The Case of setting up*

which expressly and particularly names and approves all our Homilies, and declares the Doctrine contained in them, to be a godly Doctrine; as appears by the * Articles of our Church, composed and published in that Convocation.

3. By the Convocation i Jacobi. For as the Article last named declares our Homilies to contain a godly Doctrine, so the † Convocation of King James, declares all things contained in that Article, to be agreeable to the Word of God.

4. All the Clergy of || England, all Graduates in the Universities, all * Chancellors, Commissaries and Officials, before they exercise any Ecclesiastical Jurisdiction, are willingly, and *ex animo* † to assent, consent, approve, and subscribe these Articles, and this Doctrine, and that absolutely, without any || Glosses or Senses of their own.

5. And these Subscriptions are required (and so the Doctrine subscribed to

* In the 35th. Article. † Conv. i Jacobi, Can. 36.

|| Ibidem, Can. 36.

* Ibidem. Can. 127.

† Ibidem, Can. 36.

|| My Ld. Coke's Institutes, Part 4. cap. 74. pag. 323, 324.

confirm'd)

confirm'd) by several * *Acts of Parliament.*

6. And if any *impugn this Doctrine*, so declar'd and establish'd by the Supreme Power, or *maintain any Doctrine contrary* or repugnant to it, he is by our † *Canons to be excommunicated ipso facto*; and by the || *Statute, if he be a beneficed Clergyman, deprived.*

The Premises being certain and evident Truths, the natural and necessary Consequences which follow from them, to omit others, will be these.

1. That neither the Deputy-Chancellor of *Lincoln*, nor any inferiour Court, has or can have any just Authority or Power to approve and authorize the setting up of such Images in the Church, which by the Supreme Power (Ecclesiastical and Civil, in Convocation and Parliament) is expressly condemn'd as altogether unlawful, and to the poor ignorant People pernicious.

2. That they who maintain and en-

* See the Statute 13. Eliz. cap. 12. and the Statute 14. Car. 2. The Act of Uniformity.

† Vide Canones 1 Jacobi, Can. 5.

|| Statutum 13. Elizabethæ, cap. 12.

22 *The Case of setting up*

courage this Doctrine of setting up Images in our Churches, if they persist in it, are by our known Laws now in Force, to be *excommunicated ipso facto*; and if they be beneficed Clergy-men, to be deprived. *Viderint quorum interest.*

3. And if any Ecclesiastical Judge or Court (*quod absit*) should approve, authorize or encourage the setting up of such Images in our Churches, it evidently follows from the Premises, that in so doing, they approve and authorize that which the Church of *England* has publicly declared to be dangerous, against the Law of God, against Christian Religion, and (to many) pernicious. And therefore we have reason to believe, that no good Son of the Church of *England*, will approve, authorize or encourage that which his Holy Mother has so absolutely and publickly condemned.

*11. 3. The Cause of K. told me on May
5. 1714. was brought before the Court of Dele-
gates being supported by 12 Men bringing
FINIS
but they declined approving or re-
versing the Chancellor's order.*

